

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE BERKLEY, JAMES CAPERS,

Plaintiffs,

-against-

No. 20 CV 7278-LTS-JLC

WHOEL FOODS MARKET GROUP, INC.,

Defendant.

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ORDER OF DISMISSAL

The attorneys for the parties have advised the Court that this putative class action has been or will be settled. Accordingly, it is hereby ORDERED that this action is dismissed with prejudice as to the named plaintiffs and without prejudice as to all other plaintiffs and without costs to either party, but without prejudice to restoration of the action to the calendar of the undersigned if settlement is not achieved within thirty (30) days of the date of this Order. If a party wishes to reopen this matter or extend the time within which it may be settled, the party must make a letter application before this thirty (30)-day period expires.

The parties are advised that if they wish the Court to retain jurisdiction in this matter for purposes of enforcing any settlement agreement, they shall submit the settlement agreement to the Court to be so ordered.

SO ORDERED.

Dated: New York, New York  
February 23, 2021

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge